

Chapter 17.23.1 SHORT-TERM RENTALS

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17.23.1.010 Definitions

The following words and phrases, whenever used in this chapter, shall mean as follows:

“Booking transaction” means any reservation or payment service provided by a person who facilitates a short-term rental, home sharing, or similar transaction between a prospective guest and a host.

“Director” means the Development Services Director of the City of Upland.

“Dwelling unit” means a structure or portion thereof which is used for human habitation, as more particularly described in Section [17.51.010](#). A dwelling unit for purposes of this chapter is a single-family detached unit or a single-family attached (Townhome) unit.

“Enforcement officer” means the Director, Building Official, Fire Marshal, Code Enforcement Officer, or any other City employee designated by the Director or City Manager to enforce this chapter and the Upland Municipal Code.

“Group” means a single guest or any number of guests who are occupying a short-term rental on a single rental agreement.

“Guest” means a person who rents a short-term rental for a period of not more than 30 days.

“Host” means a person engaged in providing short-term rental at their primary residence.

“Hosted stay” means short-term rental activity whereby the host remains on the site of his or her primary residence throughout the duration of the guest’s stay, except during daytime and/or work hours.

“Hosting platform” means a marketplace in whatever form or format which facilitates the short-term rental activity, through advertising, match-making, or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.

“Primary residence” means the dwelling unit used as the permanent residence or usual place of return for housing by the host. A person may have only one primary residence.

“Short-term rental” means a dwelling unit, or any portion thereof, that is rented by the host to another party for a period of not more than 30 consecutive days in exchange for any form of monetary or non-monetary consideration, including trade, fee, swap or any other consideration in lieu of cash payment. Hosted stays, Un-hosted stays, and vacation rentals are types of short-term rental.

“Transient occupancy tax” or “TOT” means the tax imposed on occupancies of 30 consecutive calendar days or less under Chapter [3.12](#) of the Upland Municipal Code.

“Un-hosted stay” means a short-term rental activity whereby the host remains off the site of his or her primary residence-site for some or all of the duration of the guest’s stay.

“Vacation rental” means a dwelling unit that is not a primary residence, and which is available for temporary lodging, for compensation or any form of consideration. The term “vacation rental” shall not include: single-room occupancy buildings, bed and breakfast inns, hotels, a dwelling unit for which a tenant has a month-to-month rental agreement and the rental payments are made on a monthly basis, or corporate housing. (Ord. 1945 § 3, 2020)

17.23.1.020 Administrative Use Permit Required for Authorized Short-Term Rental

No person, either for themselves or any other person, shall cause, allow, conduct, permit, maintain, or facilitate short-term rental at any dwelling unit within the City without first obtaining an Administrative Use Permit pursuant to this Code, and complying with all other applicable provisions of this Code. An Administrative Use Permit shall only be issued to authorize hosted stays and unhosted stays. Vacation rentals are prohibited. (Ord. 1945 § 3, 2020)

17.23.1.030 Permit Application

To apply for an Administrative Use Permit for a short-term rental, a person seeking to become a host must file an application with the Director, accompanied by a nonrefundable processing fee in an amount established by resolution of the City Council. The application shall be in a form prescribed by the Director and shall contain, at a minimum, the following:

- A. The legal name, current address and telephone number of the applicant.
- B. Address of the short-term rental property, and if applicable, location telephone number.
- C. An index of all residents of the property with name and date of birth, juveniles may be listed by title and age only.
- D. Site plan indicating the areas intended for use as short-term rental, and showing sufficient lawful parking on the property for all vehicles belonging to residents and guests pursuant to Section 17.23.1.090(D).
- E. Floor plan of the dwelling unit for use as short-term rental which identifies sleeping areas, proposed maximum number of guests and approximate square footages.
- F. Documentation indicating the number of bedrooms within the dwelling unit and square footage of the dwelling unit for short-term rental, such as a record from the County Assessor's office.
- G. A copy of a valid business license issued pursuant to Title 5 of this Code.
- H. A copy of a valid transit occupancy registration certificate pursuant to Chapter 3.12 of the Upland Municipal Code.
- I. A Home Occupation Permit pursuant to Title 17 of this code is not required.
- J. Emergency contact information for 24-hour response within one hour.
- K. Certification by the applicant that the information contained in the application is true to his or her knowledge and belief.
- L. Documentation establishing that the dwelling unit proposed to be used as a short-term rental is the host's primary residence. Such documentation shall include at least two of the following and be in the name of the host: motor vehicle registration, driver's license, voter registration, or tax documents showing the residential unit as the residence of the host.
- M. The applicant shall provide two passport size photographs.
- N. Any other information required by regulations promulgated pursuant to this chapter or deemed necessary by the Director. (Ord. 1945 § 3, 2020)

17.23.1.040 Application Investigation and Criteria for Approval or Denial of Permit

Upon receipt of a completed application, the Director, or designee, shall cause an investigation of the applicant and the application as submitted. The investigation shall be completed in a timely manner as follows and the applicant shall be notified of the result in writing in a timely manner:

- A. The applicant shall be required to pay the established fees for such service in addition to the permit fee.
- B. Inspection of the property by City staff shall be scheduled within 30 days of application.
- C. If, as a result of this investigation, the applicant is found to satisfy all of the requirements of Section 17.23.1.030 and no grounds for denial exist, the application shall be approved, and an Administrative Use Permit for a short-term rental shall be issued to the applicant. The permit shall contain the name, address of the permittee, a description of the short-term rental to be offered, the date of issuance and term of the permit, photograph of the permittee, and the signature of the Director or designee.
- D. An Administrative Use Permit application for a short-term rental may be denied for any of the following reasons:
 - 1. Information contained in the application, or supplemental information requested from the applicant, is false or misleading in any material detail.
 - 2. The applicant failed to provide a complete application, after having been notified of the requirement to produce additional information or documents.

3. The applicant is delinquent in payment of any city or county taxes, fines, or penalties in relation to short-term rental.
4. The applicant has previously held an Administrative Use Permit for a short-term rental which was revoked by the City during the year prior to the application.
5. The applicant has failed to pay any previous administrative fines, remediate any other violations, and/or complete any other alternative disposition associated with a previous violation of this chapter.
6. The applicant has failed to demonstrate an ability to conform to the operating standards set forth in Section [17.23.1.090](#).

If the permit application is denied, written notice of such denial and the reasons therefore shall be provided to the applicant. (Ord. 1945 § 3, 2020)

17.23.1.050 Permit Expiration and Renewal

An Administrative Use Permit for a short-term rental shall be valid for two years from the date of issuance and shall expire and become null and void on the anniversary date of its issuance.

- A. A person may apply for a permit renewal on a form provided by the City no later than 30 days prior to the expiration of his or her active Administrative Use Permit for a short-term rental and upon successfully completing an inspection by City staff.
- B. Renewal of the permit shall be valid for two years from the original expiration date of the Administrative Use Permit for a short-term rental. There is no limitation on the number of renewals that may be granted by the Director.
- C. The applicant shall be required to pay the Administrative Use Permit fee for the permit renewal in the amount established by City Council resolution at the time the renewal application is filed. Failure of the applicant to submit a complete application prior to the expiration date of the existing Administrative Use Permit for a short-term rental shall be a basis for denial of the renewal. (Ord. 1945 § 3, 2020)

17.23.1.060 Permit Revocation

The Director may revoke an Administrative Use Permit for a short-term rental issued to a host for a third or subsequent violation of this chapter within any period of time or for any violation of Chapter [3.12](#) relating to transient occupancy tax. A short-term rental host whose permit is revoked may apply for a new Administrative Use Permit for a short-term rental one year after the revocation of the permit. (Ord. 1945 § 3, 2020)

17.23.1.070 Appeals

Any person whose Administrative Use Permit for a short-term rental or a renewal is denied or revoked may appeal the decision in writing with the Development Services Department pursuant to the procedures established in Chapter [17.47.040](#) of this Code. (Ord. 1945 § 3, 2020)

17.23.1.080 Permits Nontransferable

An Administrative Use Permit for a short-term rental granted pursuant to this chapter shall not be transferable to another person, parcel number, or to another property owner. Said permit shall not run with the land or property to which it applies. (Ord. 1945 § 3, 2020)

17.23.1.090 Operating Conditions and Requirements

Short-term rental hosts shall comply with the following conditions and requirements:

- A. The host shall be:
 1. The property owner or the spouse, parent or adult child of the property owner.
 2. A tenant of the property who has occupied the property as his or her primary residence prior to making application for an Administrative Use Permit for a short-term rental and who has submitted written authorization from the property owner to operate short-term rental at the residence.
- B. The dwelling unit shall be the primary residence of the host.
- C. The dwelling unit must be located within Residential Single-Family (RS) zones, Residential Multi-Family (RM) zones, or is a legally established single-family-attached or single-family-detached residence in a Specific Plan. A short-term rental shall not be permitted in any Mixed-Use zone or any Commercial or Industrial zones.
- D. The minimum number of parking required is one additional space for each bedroom of the house to be used for short-term rental. This requirement is in addition to the parking requirement for the dwelling unit pursuant to this Code. The Director on a case by case basis may allow parking on the street within the lot frontage of the dwelling unit to count toward meeting this parking requirement.
- E. All advertising for the dwelling unit as a short-term rental that is displayed on a hosting platform or other media shall display the number of the current and valid permit as issued by the City, a street-view photo of the front of the house and the maximum number of guests based on the occupancy limit set forth in subsection E of this section.
- F. The dwelling unit's occupancy, including the host, other residents of the dwelling unit, and guests, during a short-term rental shall not exceed two times the number of bedrooms of the dwelling unit.

- G. The host shall comply with all requirements of and be subject to the transient occupancy tax (TOT) pursuant to Chapter 3.12 and the business license fees pursuant to Title 5 of this Code for short-term rental use. The host shall have the duty and liability to ensure timely remittance of the TOT to the City in compliance with Chapter 3.12 of this Code.
- H. The Administrative Use Permit for a short-term rental shall be conspicuously displayed within a prominent area of the dwelling unit available for occupancy.
- I. Any accessory dwelling unit (ADU) as defined and pursuant to Chapter 17.37 of this Code and/or subject to a covenant that specifically prohibits rentals of 30 days or less shall not be used as a short-term rental.
- J. A single dwelling unit shall be limited to one group booking transaction at a time.
- K. The short-term rental shall comply with all applicable provisions of this Code and State law.
- L. Conditions that cause a public nuisance, as defined by this Code or State law are prohibited at the dwelling unit during a short-term rental.
- M. Un-hosted stays shall be limited to a total of 120 days within a calendar year at the same dwelling unit. Hosted stays shall not be limited.
- N. The dwelling unit for short-term rental shall comply with all current State and local building and fire codes.
- O. There shall be no exterior signs or advertising except as provided in Chapter 17.15, Signs those permitted for a dwelling use in the zone.
- P. The host shall provide access to the garage of the residence if that area has been included in the determination of the number of available on-site spaces for renters.
- Q. Noise from the short-term rental use shall comply with Chapter 9.40 of this Code. Pools and hot tubs shall have hours of operation clearly posted adjacent to the facility, and shall comply with the exterior noise standards in Chapter 9.40.
- R. Lighting on the premises shall be directed, controlled, screened or shaded in such a manner as not to shine directly on surrounding properties. All lighting shall comply with the standards in a Residential zone pursuant to Chapter 17.14 of this Code.
- S. Structures not built for habitable use, such as, but not limited to, trailers, tents, tree houses, garages, or temporary structures such as recreational vehicles shall not be used for short-term rentals or satisfy the host occupant requirement of this section.
- T. A host for a short-term rental must maintain for a period of three years a detailed and accurate record of their guest information pertaining to hosting dates, and financial documentation, and make this information available to the City upon request.
- U. The host or authorized agent must be available to the Enforcement Officer by telephone 24 hours per day, seven days per week when the short-term rental is rented. In addition, the host or authorized agent must be on the premise of the short-term rental unit within one hour of being notified by the Enforcement Officer to address an issue of permit compliance, public nuisance, or health, safety or welfare of the public.
- V. The permittee for an Administrative Use Permit for a short-term rental shall to the fullest extent permitted by law, indemnify, defend and hold the City, its elected officials, officers, contractors serving as City officers, agents, and employees ("Indemnitees") free and harmless from: (1) any and all claims, liabilities and losses whatsoever occurring or resulting to any and all persons, firms, entities, or corporations furnishing or supplying work, services, materials, or supplies in connection with, or related to, the performance of work or the exercise of rights authorized by approval of permits for short-term rental; and (2) any and all claims, lawsuits, liabilities, and/or actions arising out of, or related to the approval of permits for short-term rental and/or the granting or exercise of the rights authorized by said approval; and (3) from any and all claims, liabilities and losses occurring or resulting to any person, firm, entity, corporation for property damage, personal injury, or death, arising out of or related to the approval of, or exercise of rights granted by, this permit. Permittee's obligation to indemnify, defend, and hold the Indemnitees free and harmless as required hereinabove shall include, but is not limited to, paying all fees and costs incurred by legal counsel of the Indemnitees' choice in representing the Indemnitees in connection with any such claims, losses, lawsuits, or actions, and any award of damages, judgments, verdicts, court costs or attorney's fees in any such lawsuit or action.
- W. Host for a short-term rental shall be responsible for informing their guests of the "House Rules." Such rules shall, at a minimum, include rules explained in this section. As part of the transaction for short-term rental, the guests shall sign an agreement acknowledging the house rules and promising to comply as follows:
1. A copy of the house rules and the Administrative Use Permit for a short-term rental has been reviewed by the guest and is displayed pursuant to subsection H of this section.
 2. In order to comply with all provisions of State law and this Code related to emergency vehicle access, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access.
 3. Guests of the short-term rental shall maintain the property free of debris both on-site and in the street. Trash cans shall be maintained in a clean and sanitary manner in conformance with this Code. Trash cans shall not be placed on the street prior to 24 hours before scheduled pick-up day and shall be promptly removed from the street following service.
 4. Quiet times shall be from 10:00 p.m. to 7:00 a.m. pursuant to the City's noise standards provided in Chapter 9.40.

5. The guests of the short-term rental shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of the Upland Municipal Code or any State law pertaining to noise or disorderly conduct. Further the host shall contact the Police Department in the event guests fail to comply with this chapter and this Code.
6. No short-term rental unit may be used for any wedding, receptions, auction, commercial function or any other similar event that is inconsistent with residential uses permitted by this Code.
7. Guests shall park in the designated parking areas approved for the short-term rental.
8. Discharge of fireworks shall be prohibited at any time.
9. Maximum occupancy permitted for the duration of stay for the short-term rental shall be that established in subsection F of this section. (Ord. 1945 § 3, 2020)

17.23.1.100 Hosting Platform Requirements

- A. Hosting platforms shall be responsible for collecting all applicable transient occupancy tax (TOT) and remitting the same to the City. The hosting platform shall be considered a managing agent of the host for purpose of TOT collections and remittance responsibilities as set forth in Chapter 3.12 of the Upland Municipal Code.
- B. Subject to applicable laws, hosting platforms shall disclose to the City on a regular basis each short-term rental listing located in the City, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay.
- C. Hosting platforms shall require hosts to include the City-issued registration number in their listing(s) in a format designated by the City. Upon notice from the City that a listing is non-compliant, hosting platforms shall cease any short-term rental booking transactions for said listing(s) within five business days. A hosting platform shall not complete any booking transaction for any residential property or unit subject to a City notice until notified by the City that the residential property or unit is in compliance with the local registration requirement.
- D. Hosting platforms shall not collect or receive a fee, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to a vacation rental or unregistered short-term rental, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the dwelling unit.
- E. A hosting platform operating exclusively on the internet, which operates in compliance with subsections A, B, C, and D above, shall be presumed to be in compliance with this chapter.
- F. The provisions of this section shall be interpreted in accordance with otherwise applicable State and Federal law(s) and will not apply if determined by the City to be in violation of, or preempted by, any such law(s). (Ord. 1945 § 3, 2020)

17.23.1.110 Enforcement and Penalties

- A. Operating a short-term rental without a valid Administrative Use Permit for a short-term rental, business license, and valid transit occupancy registration certificate is prohibited. Advertising shall be considered prima facie evidence of operation. Additional evidence of operation may include, but shall not be limited to, guest testimony, online reviews, rental agreements, receipts, or any other information deemed relevant by the City.
- B. A violation of this chapter shall constitute a public nuisance, which may be abated by any means provided by law, including but not limited to injunctive relief, issuance of administrative fines pursuant to Chapter 1.22, and shall also constitute a misdemeanor punishable pursuant to Chapter 1.16.
- C. Each and every day, or portion thereof, a violation of this chapter exists shall constitute a separate and distinct violation.
- D. The remedies provided herein are intended to be cumulative and may be used in lieu of or in addition to any other remedy provided by this chapter or other law. (Ord. 1945 § 3, 2020)

Contact:

City Clerk: 909-931-4120

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